

**MANATEE COUNTY ORDINANCE NO.
PDMU-15-04(Z)(G)[f.k.a.PDMU-13-01(Z)(G)]
ROBINSON GATEWAY**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, REZONING 288± ACRES FROM THE A-1(SUBURBAN AGRICULTURE-ONE DWELLING UNIT PER ACRE) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE); APPROVING A GENERAL DEVELOPMENT PLAN TO ALLOW 542 RESIDENCES, 900,000 SQUARE FEET OF COMMERCIAL SPACE, 600,000 SQUARE FEET OF OFFICE SPACE, 1,750 SEAT OR 130,680 SQUARE FEET MOVIE THEATRE; AND 350 ROOMS OR 219,800 SQUARE FEET FOR HOTEL(S) FOR A PROJECT KNOWN AS ROBINSON GATEWAY GENERALLY LOCATED ON THE EAST SIDE OF I-75, NORTH OF MOCCASIN WALLOW ROAD AND WEST OF CARTER ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

SECTION 1. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Robinson Gateway DRI Ordinance 15-14, Section 380.06 F.S., the Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 2. FINDINGS OF FACT. THE Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application for Zoning Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The BOCC received and considered the report of the Manatee County Planning Commission concerning the application for approval of a General Development Plan and rezoning application approving 542 residences, 900,000 square feet of commercial space, 600,000 square feet of office space, 1,750 seats or 130,680 square feet movie theatre and 350 rooms or 219,800 square feet for hotel(s) in Robinson Gateway project.
- B. The Planning Commission has held duly noticed public hearings on November 13, 2014, December 11, 2014, January 15, 2015, February 12, 2015 and March 12, 2015 and found the rezoning application and the General Development Plan consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended approval of the rezoning application and General Development Plan by the adoption of Ordinance No. PDMU-15-04(Z)(G). The BOCC held public hearings on December 4, 2014, January 8, 2015, February 5,

2015 and April 2, 2015 regarding the proposed General Development Plan described herein in accordance with the requirements of the Manatee County Land Development Code (Ordinance No. 90-01) and further considered the information received at the public hearing.

- C. Based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9, the Board finds that as conditioned herein residential structures on the Property in excess of 35 feet and up to 60 feet are compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, or entranceways.
- D. The proposed General Development Plan regarding the property described in Section 8 herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.
- E. An application has been submitted to Manatee County for Special Approval for a: 1) project in MU FLUC; 2) mixed use project in UF-3 FLUC; 3) gross residential density exceeding one dwelling unit per acre in UF-3; 4) net residential density exceeding three dwelling units per acre in UF-3 FLUC; 5) non- residential project exceeding 30,000 square feet in UF-3 FLUC and 6) a project in an Entranceway. The Board hereby finds that the project as conditioned herein, with the above described Special Approvals, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

SECTION 3. GENERAL DEVELOPMENT PLAN

The General Development Plan is hereby APPROVED to allow a maximum of 542 residences, 900,000 square feet of commercial space, 600,000 square feet of office space, 1,750 seats or 130,680 square feet movie theatre and 350 rooms or 219,800 square feet for hotel(s), with the following stipulations:

A. DEVELOPMENT APPROVAL

- A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

TABLE 1: DEVELOPMENT TOTALS

Land Use	Single-Phased Development	Total
Residential (dwelling units)		
Multi-family	222	
Single-family attached	320	

Total		542
Commercial/Office (sq. ft.)		
Retail	900,000	900,000
Office	600,000	600,000
Hotel(s) (rooms)	350	350
Movie theatre (seats)	1,750	1,750
Buildout Dates:	December 31, 2025	

- A(2) The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation.
- A(3) The project site may continue to be used for agricultural activities, but at no greater intensity than at present.
- A(4) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Zoning Ordinance or are not inconsistent with this Zoning Ordinance.
- A(5) A Preliminary Site Plan shall be reviewed to determine compatibility (internally and externally) and design quality (relative to site layout and building design), pursuant to the applicable sections of Section 603.4 of the Land Development Code.

B. TRANSPORTATION

The site is adjacent to Moccasin Wallow Road, and Carter Road. Moccasin Wallow Road is designated as a six lane arterial roadway with planned right of way width of 150 feet. Carter Road is designated as a four lane collector with a planned right of way width of 120 feet.

Transportation Concurrency

Transportation concurrency was evaluated for the project. The Applicant prepared a Traffic Impact Analysis (TIA) to determine impacts on U.S. 301, Moccasin Wallow Road and associated intersections near the project site. The results of the TIA, which was reviewed and approved by the Transportation Planning Division, indicated that level of service deficiencies exist at studied intersections and roadway segments. The project-related concurrency improvements and requirements are as set forth in Table 2.

TABLE 2

Table A(1). Transportation Improvements

No.	Road	Location/Limits	Improvement	Project Trip Threshold	Proportionate Share
1	Moccasin Wallow Rd	I-75 northbound ramps to 0.25 mi east of Buffalo Rd	Widen from four lanes to six lanes	2,541	75.2%
2	Moccasin Wallow Rd	0.25 mi east of Buffalo Rd to 0.25 mi east of Carter Rd	Widen from two lanes to four lanes	This improvement is included in the intersection improvement at Moccasin Wallow Road at Carter Road.	¹
3	Moccasin Wallow Rd	intersection at U.S. 41	Construct a separate westbound left turn lane (for total of one)	2,463	62.2%
4	Moccasin Wallow Rd	at I-75 northbound ramps	Install traffic signal control	2,760	27.3%
5	Moccasin Wallow Rd	at project Driveway #1 aligning with Buffalo Rd	Construct a separate southbound left turn lane (for total of one), southbound right turn lane (for total of one), eastbound left turn lane (for total of two). Construct additional eastbound through lane (for total of three) and additional west bound through lane (for total of three) consistent with Improvement No. 1 of this table. See condition A(9).	2,167	100.0%
6	Moccasin Wallow Rd	intersection at Carter Rd	Construct a separate southbound left turn lane (for total of one). Construct additional eastbound through lane (for total of two) through the intersection tapering to one eastbound through lane 0.25 mi east of the intersection consistent with improvement No. 2 of this table.	1,751	62.7%
7	Moccasin Wallow Rd	intersection at U.S. 301	Construct a separate eastbound left turn lane (for total of one)	2,315	66.3%
8	U.S. 301	intersection at S.R. 62	Construct a separate westbound left turn lane (for total of one)	2,760	50.1%
9	Moccasin Wallow Rd	at project Driveway #2, approximately 0.20 mi east of Buffalo Rd	Construct separate eastbound left turn lane (for total of one), westbound right turn lane (for total of one), and southbound right turn lane (for total of one). Construct additional eastbound through lane (for total of two) and westbound through lane (for total of two), consistent with improvement No. 2 of this table.	2,523	100.0%
10	Carter Rd	at project Driveway #3, located on Carter Rd	Construct separate northbound left turn lane (for total of one), eastbound left turn lane (for total of one), and eastbound right turn lane (for total of one).	2,968	100.0%

¹ This improvement is included in the proportionate share calculation at the intersection of Moccasin Wallow Road & Carter Road

B(1) With each Final Site Plan (FSP) application, the Developer shall submit to Manatee County a Traffic Impact Analysis which addresses the following:

An assessment of the estimated traffic operations and turning movements together with a conceptual design of the driveways, serving the project covered by the FSP application:

B(2) In accordance with Section 163.3180(5)(h)(1), Florida Statutes, and as necessary to mitigate the Project impacts, the Applicant shall construct or pay the Proportionate Share of each required improvement prior to Project development approvals generating trips equal to or greater than the corresponding Project Trip Threshold. The contribution or construction of the proportionate share of the following roads or facilities shall be deemed sufficient to accomplish one or more mobility improvements that benefit a regionally significant transportation facility, and shall fully satisfy the transportation concurrency requirements of the

Comprehensive Plan and the requirements for mitigation of the Project transportation impacts. Except for Applicants proportionate share as set forth herein, the Applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

- B(3) The developer may satisfy the concurrency-related transportation mitigation requirements listed in Table 2 by providing improvements made pursuant to the Robinson Gateway DRI Ordinance 15-14, and the proportionate share provisions of 163.3180(5), Florida Statutes (2014).

C. WETLANDS

- C(1) A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:

- Digital photographs of the well along with nearby reference structure (if existing).
- GPS coordinates (latitude/longitude) of the well.
- The methodology used to secure the well during construction (e.g. fence, tape).
- The final disposition of the well – used, capped, or plugged.

D. VEGETATION AND WILDLIFE

- D(1) The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate state or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.

E. LAND

- E(1) The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site plan.
- E(2) An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Section of the Building and Development Services Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas.

- E(3) A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the county for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first.
- E(4) The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

F. AIR QUALITY

- F(1) The Developer shall institute the following procedures to ensure dust control during development of the Project:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earthmoving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - f. Remove dust producing materials as soon as possible; and
 - g. Clean (sweep) paved roads adjacent to side as necessary.
- F(2) The open burning of trees or branches for land clearing shall be done in compliance with applicable regulations.

G. WATER QUALITY AND DRAINAGE

- G(1). The Developer* shall submit a Surface and Groundwater Quality Monitoring Plan for the Robinson Gateway DRI for review and approval by the County prior to approval of the first Preliminary Site Plan. A copy of this Plan shall also be provided to the Southwest Florida Water Management District, who will submit technical assistance comments to Manatee County as part of the review and approval process. Approval of the Surface and Groundwater Quality Monitoring Plan will be subject to the following conditions:
- Protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to Manatee County.

- Baseline monitoring shall be completed prior to the commencement of any construction activities with the exception of those construction activities that may be required to implement the monitoring plan.
 - Manatee County may require the monitoring plan to be modified should the land use change significantly or should the baseline monitoring reveal exceedences that would merit additional monitoring measures.
 - If monitoring activities do not begin in a timely manner, Manatee County may require the monitoring plan to be modified accordingly.
 - All surface and groundwater monitoring results shall be included with the respective Biennial Report to be submitted for the project.
- G(2) This project shall be required to reduce the calculated pre-development flow rate by fifty (50%) percent for all stormwater outfall flow directly or indirectly into Frog Creek Watershed. Modeling shall be used to determine pre-and post-development flows.
- G(3) A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along Cabbage Slough within the project boundaries. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
- G(4) Any fill within the 100-year floodplain of the Buffalo Canal shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100 year compensation in dual use facilities (i.e., stormwater attenuation and floodplain compensation) shall be compensated above the 25-year Design High Water level (DHWL).
- G(5) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to ensure the quality of the discharge and to meet or exceed the requirements for development within the Frog Creek Drainage Basin. Upland habitat adjacent to the wetland system shall be created and preserved in wetland buffers to enhance water quality.
- G(6) Development practices shall incorporate the Best Management Practices*, described in ADA, including those which prevent construction-related turbidity.
- G(7) The Developer* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- G(8) Native plant species shall be incorporated into the landscape design to the greatest extent practicable.
- G(9) To prevent adverse effects to groundwater quality during construction, there shall

be no excavation into or through the Floridan aquifer's confining layers.

- G(10) The applicant shall conduct any required remediation of chemical contaminants prior to construction.
- G(11) Stormwater management ponds shall not be constructed within wetland buffers or natural resources of regional significance.
- G(12) A separate storage facility, from the surface water management system is encouraged for sanitary reclaimed water use.
- G(13) The Developer shall implement resident education advocating surface water protection (i.e., proper use of fertilizers and pesticides).
- G(14) Low impact development techniques are encouraged to be used throughout the development. These techniques shall include, but are not limited to, the following:
- Retention of the maximum amount of existing native vegetation;
 - Shallow vegetated swales in areas where practical, including parking;
 - Appropriate Florida-friendly plant selections;
 - Small, recessed garden areas throughout landscaped areas;
 - Porous pavement and other pervious pavement technologies;
 - Stabilized grass areas for overflow parking; and
 - Stormwater reuse.

Specific requirements for implementation of these and/or other techniques shall be stipulated in the accompanying Zoning Ordinance.

- G(15) Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan shall prevent Manatee County from issuing any further site plan approvals.
- G(16) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report through project buildout.

H. HISTORICAL AND ARCHAEOLOGICAL SITES

H(1). Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue.

I. WATER

I(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).

I(2) The Developer* shall be required by Manatee County ordinances, to extend potable water service or utilize the existing potable water infrastructure constructed onsite for the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

I(3) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.531, Florida Administrative Code.

I(4) Assurance of adequate water supply capacity to serve the project and identification of the entity(ies) responsible for maintenance of the water supply systems within the project site shall be provided for within the Development Order. This would include the necessity for adequate water supply for fire-fighting.

I(5) The project shall utilize the lowest quality water allowable and available for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. The Developer shall coordinate with the County Utility Department for the use of reclaim water within the project to the extent reclaim water is a reliable quality and quantity. Prior to Final Site Plan approval the applicant shall specify the source of irrigation on the site plan.

I(6) The Developer has committed to the following:

- Development of a long-term plan to optimize potable and non-potable water resource use in the development;

- Use of xeriscaping or Florida-Friendly Landscaping [SWFWMD];
- Prohibit use of in-ground Manatee County public water supply for irrigation purposes;
- Incorporate ecologically viable portions of the existing native vegetation to the extent practicable with no irrigation required or used; and
- Provide water conservation educational materials to all residents and tenants.

- I(7) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- I(8) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- I(9) Irrigation time clocks shall be reset after the establishment period for new landscaping has expired.
- I(10) Florida-friendly landscaping principles shall be used throughout the development.
- I(11) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the extent practicable and shall not be irrigated.
- I(12) Water conservation educational materials shall be provided to all residents and tenants of the development.

J. WASTEWATER

- J(1) Approval of the project shall include assurance of adequate wastewater treatment capacity as well as any developer provision(s) of any improvements to the internal wastewater collection system. Future biennial reports shall contain an updated summary of utility service commitments.
- J(2) No permanent septic tanks shall be installed on the Robinson Gateway site. In addition, abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable materials.

K. SOLID WASTE

- K(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous and/or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.

- K(2) The Developer shall be required by Manatee County ordinances, to extend solid waste service to the Project to assure that adequate solid waste capacity exists to accommodate the Project.

L. RECREATION AND OPEN SPACE

- L(1) Greenways, nature trails, parks, environmentally-sensitive features, open space, and recreation facilities shall be maintained by the Developer* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies, unless otherwise approved by the County.
- L(2) The Developer* shall provide community open space/parks on-site as generally shown on Map H attached as Exhibit A to the Robinson Gateway DRI Ordinance 15-14. Community open space/parks may include active and passive recreation areas and shall include a fifty (50) foot area for a greenway trail to accommodate the County's future use of the Ellenton-Willow Trail along Carter Road. Recreational areas may include nature trails, boardwalks, interpretive trails, active recreation areas, pocket parks, ponds and water bodies that may include trails, fishing access, canoe or boating facilities, or other similar water sports facilities that will be provided on the site, at locations to be determined by Manatee County through the development review process.
- L(3) As committed, the Developer* shall provide a park and recreational facilities of approximately 30 acres, including connection to Manatee County greenways trail program (i.e. Ellenton Willow Trail).

M. EDUCATION

- M(1) No school sites are proposed within the project boundaries.

N. HEALTH CARE, POLICE, AND FIRE

- N(1) The Developer should apply and promote the use of the National Fire Protection Agency's "Firewise" principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems.

O. ENERGY

- O(1) The Developer* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.
- O(2) The developer shall work with TECO/Peoples Gas, or other similar provider, to encourage the availability of natural gas within the Project*.
- O(3) The Developer* shall enter into a separate agreement with FP&L relative to

Contribution in Aid of Construction in order for FP&L to provide service.

- O(4) The FP&L Easement shall be relocated and/or any development that may be proposed within the FP&L easement shall be consistent with the property owner's easement rights.

P. AFFORDABLE HOUSING

- P(1) In lieu of any analysis required by 9J-2.048, Florida Administrative Code, the Developer shall enter into a Voluntary Housing Mitigation Program as set forth in the conditions below.
- P(2) The Developer may provide up to 54 units within the project that satisfies the requirements of the "affordable" or "workforce/essential worker" housing as defined by the Manatee County Land Development Code. The final number of combined affordable or workforce/essential worker units to be equal to 10% of the total number of residential units constructed within the Project.
- P(3) The 54 units shall qualify upon the first sale or rental to an end user as workforce housing as defined by Manatee County Land Development Code. The maximum sales price for the workforce housing units shall be based upon current workforce sales price as established by the methodology in the Manatee County Land Development Code and may be modified each year as determined by Manatee County.
- P(4) The proposed units may be provided as either for sale units or for rent multi-family units provided the rental rates meet the requirements within the Manatee County Local Housing Assistance Plan.
- P(5) As an alternative to the construction of units, the Developer may elect to contribute to the Voluntary Affordable Housing Mitigation Program a payment of \$108,000 (54 units x \$2,000 each), in terms of 2014 dollars, to the Manatee County Neighborhood Services Department or its designated Housing Assistance Program to fully satisfy any affordable or workforce housing requirements for the Robinson Gateway DRI.
- P(6) The Voluntary Affordable Housing Mitigation Program payment shall be made at time of building permit for each residential unit on the project and payable at the rate of \$200.00 per residential unit in terms of 2014 dollars (542 units x \$200.00 per unit = \$108,400.00).
- P(7) Residential units sold within the Robinson Gateway DRI that meet the Maximum Income Limits for qualifying individual(s) or Maximum Sales Price requirements for affordable or workforce housing as identified by the Manatee County Maximum Income Limits Table shall not require the voluntary cash mitigation payment described in Stipulation P(6) above, and shall apply to satisfaction of the requirement to provide "affordable" or "workforce/essential worker" housing. These

units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price and income limits in effect at the time a contract for purchase of an affordable or workforce housing unit is executed shall apply.

- P(8) Residential units rented within the Robinson Gateway DRI that qualify as affordable housing or are equal to or less than a monthly mortgage payment for a workforce housing unit as identified by the Manatee County Maximum Income Limits Table shall not require the voluntary cash mitigation payment described in Stipulation P(6) above, and shall apply to satisfaction of the requirement to provide “affordable” or “workforce/essential worker” housing. These units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price (and rental equivalent) and income limits as well as the proposed price range of rental units in effect at the time a certificate of occupancy is issued for a multi-family residential building containing affordable and/or workforce housing units shall apply.
- P(9) In lieu of the cash mitigation payments required above, either in whole or in part, Robinson Gateway DRI may propose for TBRPC, the State Land Planning Agency and Manatee County approval, one (1) or more “on-site” affordable or workforce/essential worker housing programs to satisfy such obligation by one (1) or more of the following types of programs; provision of land for other affordable housing programs: provision of affordable rental or purchase subsidy assistance; provision of down payment, closing cost or other acquisition cost assistance; provision of financial assistance; or other affordable housing assistance deemed appropriate and suitable, in whole or in part, by TBRPC, the State Land Planning Agency, and Manatee County. If one or more such “on-site” programs are approved, then the funds in the mitigation special revenue fund above, shall be utilized for such program(s).
- P(10) The Developer shall include in its Biennial Report data showing the number and sale prices of affordable and/or workforce housing units sold or rented within the reporting period. The Biennial Report shall identify the sale of any unit via the property appraiser data for sales date. Rental shall include documentation on the number of units, rental rate and duration of initial contract. The Developer shall also report the amount of voluntary cash mitigation payments made for residential units that do not qualify as affordable or workforce housing units.
- P(11) The Developer retains the right to perform an affordable housing analysis consistent with 9J-2.048, Florida Administrative Code, at any time during development of the DRI to determine the affordable housing need created by the project and appropriate mitigation, if necessary to be applied to the remainder of the project,

subject to the concurrence of Manatee County, TBRPC, and the State Land Planning Agency.

P(12) The Developer shall attempt to maintain the 10% ratio of workforce/affordable units to make the necessary mitigation payments throughout the development schedule. Should the project develop mitigation units in excess of 10% at any time, any exceedance of mitigation units shall be credited towards future development of the project. If during any biennial reporting period it is determined the project had developed or paid the cash mitigation for less than 10% ratio, the mitigation payments or units may be requested by the County.

Q. HURRICANE PREPAREDNESS

Q(1) The Developer shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

R. DESIGN STANDARDS

R(1) SETBACKS

Project Boundary

Front: 50' & 65' minimum from Moccasin Wallow Road,
50' minimum from I-75,
100' minimum from Carter Road
Side: 50' minimum from north boundary

Single-family attached

Front: 10' rear loaded garages
20' front loaded garages
Side: 0/8' (end units)
Rear: 25' (rear loaded garages)
15' (front loaded garages)
Waterfront: 30 feet

Residential Over Retail

Front: 0'
Side: 0'
Rear: 0'

Commercial Setbacks

Front: 25' (stand-alone building) 0'(retail/office residential)
Side: 10'
Rear: 15'
Waterfront: 30 feet

R(2) Non Residential

a. The maximum square footage for each commercial and office component shall not exceed what is identified on the General Development Plan.

b. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Section of the Building and Development Services Department with future Final Site Plan and Building Permit submittals.

- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall prominently visible architectural details [e.g., bump-outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Section of the Building and Development Services Department. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of two (2) or more roof types (parapet, dormers, and sloped, etc.)
- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted. Architectural metal in conjunction with other permitted building materials shall be allowed, provided that at least seventy-five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

c. Service Areas

Trash and garbage receptacles shall be screened with materials similar to the adjacent building facades.

1. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the County with each Final Site Plan containing a food service establishment or use.
2. Exterior loud speakers, bells, or similar audio-communication shall not be permitted except for areas greater than five hundred feet from

a residential unit constructed on grade; however, directed (non-broadcast) communication devices and intercoms shall not be restricted. "Directed (non-broadcast)" shall mean not plainly audible to a person greater than 25 feet from the source.

- d. All Signs shall meet the requirements of Sections 724 and 737 of the Land Development Code. Any master sign plan shall require approval from the Board of County Commissioners.

R(3). Residential

- a. The maximum number of residential units is 542.
- b. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions and in the Sales Contract or Lease, or a separate addendum to the sales or rental contract, and the Final Site Plan(s) and shall include language informing prospective residents or tenants of the following:
 - 1) Location of I-75 and that this interstate may be a ten lane facility and the location of the 70dBA noise contour that runs along the interstate and that residents may experience increase noise impacts from I-75 and Moccasin Wallow Road.
 - 2) The location and size (including potential height) of future commercial and office developments in the project.
 - 3) The water conservation measures relative to landscaping for the project design.
 - 4) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous and/or medical materials and proper procedures for the handling and disposal of such materials.
- c. An overall layout of the project shall be submitted with future Preliminary and Final Site Plan submittals for administrative review and approval.
- d. Prior to Preliminary/Final Site Plan approval, a noise analysis shall be done based on the potential ten-lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*

No residential dwelling units shall be allowed in areas where the exterior noise level is;

Ldn > 65 dBA.:
Leq design hour > 65 dBA: or
L10 design Hour > 68 dBA

Unless protected by some performance equivalent measure to achieve;

Ldn # 65 dBA,
Leq design hour # 65 dBA, or
L10 design Hour # 68 dBA

NOISE REDUCTION REQUIRED*

Sound attenuating barriers shall be provided between the residential units and the noise source.

Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.

Buildings shall be positioned to maximize the distance between the residential units and the noise source.

*For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

- e. The types of buildings (architectural design with noise mitigating features, orientation of habitable structures, and placement of habitable rooms) to be constructed should be determined based on the results and recommendations of the noise analysis at Final Site Plan stage.

S. DEFINITIONS

1. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, be "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County.
2. "Application for Development Approval" (or ADA) shall mean the Robinson Gateway Development of Regional Impact Application for Development Approval (Submitted on December 22, 2010); the First Sufficiency Response submitted by the Developer on June 12, 2013; the Second

Sufficiency Response submitted on February 18, 2014; the Third Sufficiency Response submitted on June 12, 2014 and Declaration of Sufficiency on July 11, 2014.

3. "Developer" shall mean MW Gateway Development, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
4. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
5. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required in this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development Agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvement consistent with the time frames specified.
6. "General Development Plan" shall be defined as the site plan for PDMU-15-04(Z)(G), attached as Exhibit 1. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.
7. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40-D, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this Project.
8. "Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in the Manatee County Land Development Code.

9. "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 8 herein and set forth on the General Development Plan attached hereto as Exhibit 1.
10. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.
11. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 4. SPECIAL APPROVAL Special approval is hereby granted for a: 1) project in MU FLUC; 2) mixed use project in UF-3 FLUC; 3) gross density exceeding one dwelling unit per acre in UF-3; 4) net residential density exceeding three dwelling units per acre in UF-3; 5) non-residential project exceeding 30,000 square feet in UF-3 and 6) a project in an Entranceway.

SECTION 5. ZONING. The property described in Section 8 below is hereby rezoned from the A-1 (Suburban Agriculture-one dwelling unit per acre) zone district to the PDMU (Planning Development Mixed Use) zone district, and the official zoning map is hereby amended accordingly.

SECTION 6. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this ordinance.

SECTION 7. CODIFICATION. Pursuant to 125.68 (1), Florida Statutes, the ordinance is not required to be codified. Therefore, the clerk shall not transmit the ordinance for codification.

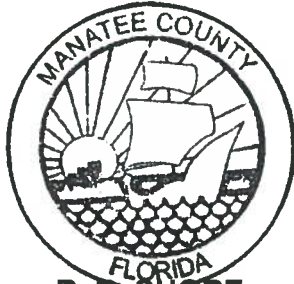
SECTION 8. LEGAL DESCRIPTION.

Legal description and sketch of the Project is attached as Exhibit 1.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida and provided, however, that: (a) filing of a Notice of Appeal pursuant to Section 380.07, F.S., shall suspend development authorization granted for this Development Order until the resolution of the

appeal; and (b) Ordinance No. 15-14 shall become effective, in accordance with Section 5 of Ordinance 15-14.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 2nd day of April, 2015.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

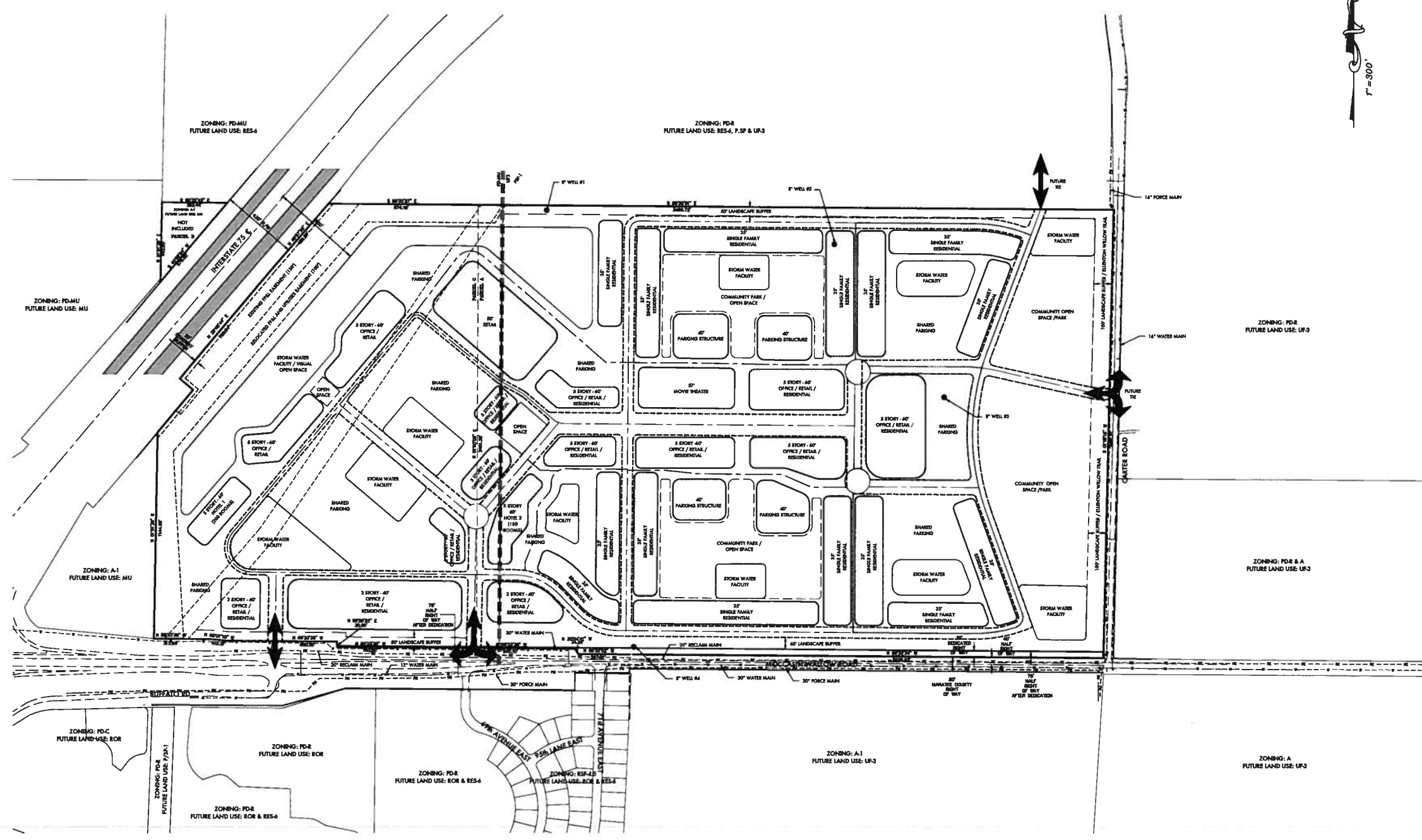
BY: 
Betsy Benac, Chairman

ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit "1"
General Development Plan

Tue, 30 Sep 2014 - 3:17pm X:\Acad\ROBINSON GATEWAY\PLANNING\ROBINSON GATEWAY - GDP.dwg



LEGEND:
 - - - - - FUTURE LAND USE LINE

ZNS ENGINEERING
 ENGINEERS | PLANNERS | SURVEYORS
 LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
 17000 W. UNIVERSITY BLVD., SUITE 100
 MANATEE COUNTY, FLORIDA 34481
 TEL: 888.322.2222 FAX: 888.322.2222



NO.	DATE	DESCRIPTION
1	01/28/2011	ISSUED
2	02/01/2011	REVISED
3		
4		
5		
6		
7		

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 TO BE SPECIFICALLY TO GOVERNMENTAL AGENCIES IN ACCORDANCE WITH CHAPTER 119, FLORIDA STATUTES.

GENERAL DEVELOPMENT PLAN
 FOR
ROBINSON GATEWAY
 LOCATED IN
 SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA

DESIGNED:
 DRAWN:
 DATE: 01/28/2011
 JOB NO.: 41668
 SCALE: 1"=300'
 SHEET: 3



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 7, 2015

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDMU-15-04(Z)(G), which was filed in this office on April 6, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb